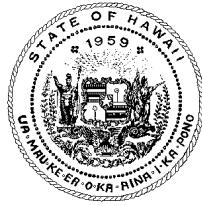


DAVID Y. IGE
GOVERNOR



MARI McCAIG
Chair

MARTHA ROSS
Commissioner

SANDRA JOY EASTLACK
Commissioner

PAMELA FERGUSON-BREY
Executive Director

STATE OF HAWAII
**CRIME VICTIM COMPENSATION
COMMISSION**

1164 Bishop Street, Suite 1530
Honolulu, Hawai'i 96813
Telephone: 808 587-1143
FAX 808 587-1146

TESTIMONY ON HB 437
RELATING TO CRIME VICTIM COMPENSATION FOR MENTAL HEALTH SERVICES
by
Pamela Ferguson-Brey, Executive Director
Crime Victim Compensation Commission

House Committee on Judiciary
Representative Chris Lee, Chair
Representative Joy A. San Buenaventura, Vice Chair

Friday, February 1, 2018; 2:00 PM
State Capitol, Conference Room 325

Good afternoon Chair Lee, Vice Chair San Buenaventura, and Members of the House Committee on Judiciary. Thank you for providing the Crime Victim Compensation Commission (the "Commission") with the opportunity to testify in strong support of House Bill 437 relating to Crime Victim Compensation for Mental Health Services. This bill amends section 351-31 and 351-33, Hawai'i Revised Statutes, to allow the Crime Victim Compensation Commission to provide compensation for mental health counseling services for surviving family members of murder, manslaughter, and negligent homicide, and for children who witness domestic violence. In addition, this bill provides that compensation for victims has priority over compensation for witnesses.

The Commission was established in 1967 to mitigate the suffering and financial impact experienced by victims of violent crime by providing compensation to pay un-reimbursed crime-related expenses. Many victims of violent crime could not afford to pay their medical bills, receive needed mental health or rehabilitative services, or bury a loved one if compensation were not available from the Commission. No State general funds have been appropriated for victim compensation since FY 2003, and the Commission is now funded solely from non-tax revenue and matching federal funds.

One of the most significant ways the Commission is able to mitigate the impact of violent crime is by providing compensation for mental health counseling services. Unfortunately, some individuals who are severely impacted by violent crime are not eligible for compensation for mental health services. These include surviving family members in cases involving murder, manslaughter, and negligent homicide and children who witness domestic violence. Mental

health services will help them heal, and, in the case of children who witness domestic violence, help to reduce the cycle of violence.

Mental Health Counseling for Surviving Family Members

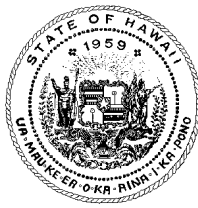
Surviving family members are profoundly impacted by the violent circumstances under which their loved one died. Often, they recall only the painful and violent details of their loved one's death, instead of remembering the victim in life. Mental health counseling will help them move past their trauma.

Mental Health Counseling for Children who Witness Domestic Violence

Witnessing domestic violence has a negative impact on children. Mental health counseling for children who witness domestic violence is necessary to help them understand and heal from the trauma of what they witness and is vital to ensure their normal development. On December 12, 2012, the Department of Justice released Defending Childhood: Protect Heal Thrive, a report of the Attorney General's National Task Force on Children Exposed to Violence. (The report is posted on line at <https://www.justice.gov/defendingchildhood/task-force-children-exposed-violence>) In the report, the Task Force identified witnessing domestic violence as putting "children at high risk for severe and potentially lifelong problems with physical health, mental health, and school and peer relationships as well as for disruptive behavior." Defending Childhood: Protect Heal Thrive at 1. The report found that services such as mental health counseling was necessary for the treatment and healing of child witnesses. A similar conclusion was reached in the study released by the Hawai'i State Department of the Attorney General Domestic Violence in Hawaii: Impact on Mothers and Their Children, (October 2000). (The report is posted on-line at <http://ag.hawaii.gov/cpja/files/2013/01/DV-in-HI-Impact-2000.pdf>) This study found over half of the children who witnessed domestic violence against their mothers suffered symptoms of posttraumatic stress disorder.

Thank you for providing the Commission with the opportunity to testify in strong support of House Bill 437.

DAVID Y. IGE
GOVERNOR



STATE OF HAWAII
DEPARTMENT OF PUBLIC SAFETY
919 Ala Moana Boulevard, 4th Floor
Honolulu, Hawaii 96814

NOLAN P. ESPINDA
DIRECTOR

Maria C. Cook
Deputy Director
Administration

Jodie F. Maesaka-Hirata
Deputy Director
Corrections

Renee R. Sonobe Hong
Deputy Director
Law Enforcement

No. _____

**TESTIMONY ON HOUSE BILL 437
RELATING TO CRIME VICTIM COMPENSATION FOR
MENTAL HEALTH SERVICES.**

by
Nolan P. Espinda, Director
Department of Public Safety

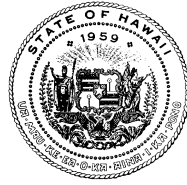
House Committee on Judiciary
Representative Chris Lee, Chair
Representative Joy A. San Buenaventura, Vice Chair

Friday, February; 2:00 p.m.
State Capitol, Conference Room 325

Chair Lee, Vice Chair San Buenaventura, and Members of the Committee:

The Department of Public Safety (PSD) supports House Bill (HB) 437, which would authorize crime victim compensation for mental health services for survivors in cases involving a death and for children who witness domestic violence. PSD agrees with the expansion of compensation for these purposes to enable victim survivors and child witnesses to receive services to address the trauma they have suffered.

Thank you for the opportunity to present this testimony.



STATE OF HAWAII
DEPARTMENT OF HEALTH
P. O. Box 3378
Honolulu, HI 96801-3378
doh.testimony@doh.hawaii.gov

Testimony in SUPPORT of HB0437
RELATING TO CRIME VICTIM COMPENSATION FOR MENTAL HEALTH SERVICES

REPRESENTATIVE CHRIS LEE, CHAIR
HOUSE COMMITTEE ON JUDICIARY

Hearing Date and Time: Friday, February 1, 2019 at 2:00 p.m.

Room: 325

1 **Fiscal Implications:** Undetermined.

2 **Department Testimony:** The Department of Health (DOH) recognizes that trauma and the
3 reactions to significant loss and abuse have long lasting effects in the lives of individuals who
4 have been victimized. The DOH supports this measure.

5 The purpose of this bill is to authorize crime victim compensation for mental health
6 services for survivors in cases involving a death and for children who witness domestic
7 violence, through the adding of these two categories to the statute of the victim compensation
8 fund.

9 Recovery from traumatic loss and the trauma of abuse or witnessing domestic violence
10 can be alleviated through interventions effectively implemented after the trauma. These
11 interventions, including mental health services and supports, can help to reduce the longer term
12 problematic consequences of trauma and restore the individual to improved functioning sooner.
13 Effective interventions after trauma can help to reduce the long-term human, social, and health
14 care impact of trauma.

15 Thank you for the opportunity to testify on this measure.

16 **Offered Amendments:** None.

Justin F. Kollar
Prosecuting Attorney

Jennifer S. Winn
First Deputy



Rebecca Vogt Like
Second Deputy

Diana Gausepohl-White
Victim/Witness Program Director

OFFICE OF THE PROSECUTING ATTORNEY

County of Kaua'i, State of Hawai'i

3990 Ka'ana Street, Suite 210, Lihu'e, Hawai'i 96766
808-241-1888 ~ FAX 808-241-1758
Victim/Witness Program 808-241-1898 or 800-668-5734

TESTIMONY IN STRONG SUPPORT OF HB 437
RELATING TO CRIME VICTIM COMPENSATION FOR MENTAL HEALTH SERVICES

Justin F. Kollar, Prosecuting Attorney
Diana Gausepohl-White, Victim/Witness Program Director
County of Kaua'i

House Committee on Judiciary
February 1, 2019, 2:00 p.m., Conference Room 325

Chair Lee, Vice Chair San Buenaventura, and Members of the Committee:

We have first-hand knowledge of the invaluable and tangible assistance provided by the Crime Victim Compensation Commission to crime victims.

Surviving family members of murder/negligent homicide victims and children subjected to witnessing domestic violence are extremely vulnerable populations. They often face an array of mental health challenges and yet are currently unable to seek compensation for counseling services.

Accordingly, we are in STRONG SUPPORT of HB 437. We request that your Committee PASS the Bill.

Thank you very much for the opportunity to provide testimony on this Bill.

Executive Director
Adriana Ramelli

ADVISORY BOARD

President
Mimi Beams

Joanne H. Arizumi

Andre Bisquera

Kristen Bonilla

Marilyn Carlsmith

Dawn Ching

Senator (ret.)
Suzanne Chun Oakland

Monica Cobb-Adams

Donne Dawson

Dennis Dunn

Steven T. Emura, M.D.

Councilmember
Carol Fukunaga

David I. Haverly

Linda Jameson

Michael P. Matsumoto

Lindsay Norcross Mist

Nadine Tenn Salle, M.D.

Joshua A. Wisch

Date: February 1, 2019

To: The Honorable Chris Lee, Chair
The Honorable Joy A. San Buenaventura, Vice Chair
House Committee on Judiciary

From: Justin Murakami, Policy Research Associate
The Sex Abuse Treatment Center
A Program of Kapiolan'i Medical Center for Women & Children

RE: Testimony in Strong Support of H.B. 437
Relating to Crime Victim Compensation for Mental Health Services

Good afternoon Chair Lee, Vice Chair San Buenaventura, and members of the House Committee on Judiciary:

The Sex Abuse Treatment Center (SATC) strongly supports H.B. 437.

Violent crimes often cause deep and lasting harm to secondary victims in their wake. Secondary victims experience harm as a result of their relationship with the primary victim who was the direct focus of the violent crime, such as the child of a domestic violence victim who witnesses the crime, or the family of a murder victim.

The psychological impact experienced by children on witnessing domestic violence in their families, and the consequences of that trauma, are well established. Each year, an estimated 3 to 5 million American children witness domestic violence in their families. Such children can display similar effects as the primary victim of domestic violence, including anxiety, depression, psychosomatic complaints (e.g. headaches and stomachaches), manifesting violent behavior themselves, poor school performance, difficulty in relationships with others, and substance abuse disorders.

Similarly, the violent, unexpected death of a family member is, as noted by the federal Department of Justice's Office for Victims of Crime, one of the most traumatic experiences a person can face. Survivors of homicide victims are at risk for developing post-traumatic stress disorder, as well as extreme anxiety, fear, and sadness, with nightmares and intrusive thoughts remaining constant for weeks or months. Additional stressors can further contribute to psychological strain, including financial issues that result from the homicide, participation in the investigation and criminal justice process, and news media coverage of the homicide.

Mental and behavioral health interventions, such as supportive counseling and therapy, are helpful in managing the overwhelming emotions encountered by secondary victims of crime. Unfortunately, Hawai'i's victim compensation statute does not currently authorize the use of Crime Victim Compensation Commission (CVCC) program funds for mental health counseling services for survivors of

homicide victims or children who witness domestic violence in their families. This fails to recognize these people, whose lives have been indelibly affected by violent crimes, as legitimate victims despite the very real suffering they experience, and creates a barrier to accessing necessary mental health services.

H.B. 437 corrects this issue by authorizing the use of CVCC program funds for the coverage of mental health services that these victims of violent crimes need and deserve.

HB-437

Submitted on: 1/31/2019 3:36:52 PM

Testimony for JUD on 2/1/2019 2:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Carmen Golay	Individual	Support	Yes

Comments:

House Committee On Judiciary

Rep. Chris Lee, Chair

Rep Joy A. San Buenaventura, Vice Chair

February 1, 2019

RE: SUPPORT HB 437 Relating to Crime Victim Compensation for Mental Health Services

Dear Members of the Committee:

The Hawaii State Coalition Against Domestic Violence is a statewide partnership of 23 domestic violence programs and shelters that provide services statewide. Our mission is to engage communities and organizations to end domestic violence through education, advocacy and action for social justice.

The HSCADV is in strong **support of HB 437** to provide mental health services for surviving family members of murder, manslaughter, and negligent homicide and for children who witness domestic violence. Additionally, this bill would provide compensation for victims as priority over compensation for witnesses.

Surviving family members are impacted for the rest of their lives by the trauma of losing a loved one to violent crime. It is also well established in literature and social science research that the impact of witnessing domestic violence on children is profound. Children often suffer long term effects if a parent has been murdered and providing them with comprehensive mental health counseling could heal the generational trauma we so often see in domestic violence cases.

Thank you for the opportunity to testify on this important matter. The HSCADV stands in strong **support of HB 437**.

Respectfully,

Carmen Golay

Member Services Manager

Hawaii State Coalition Against Domestic Violence

Helping Hawai'i Live Well

To: Representative Chris Lee, Chair, Representative Joy San Buenaventura, Vice Chair, Members, House Committee on Judiciary

From: Trisha Kajimura, Executive Director

Re: TESTIMONY IN SUPPORT OF HB 437 Relating to Crime Victim Compensation for Mental Health Services

Hearing: February 1, 2019, 2:00 pm, CR 325

Thank you for allowing us to provide testimony in support of HB 437 which amends section 351-31 and 351-33, Hawaii Revised Statutes, to allow the Crime Victim Compensation Commission to provide compensation for mental health counseling services for surviving family members of murder, manslaughter, and negligent homicide, and for children who witness domestic violence.

Mental Health America of Hawaii is a 501(c)3 organization founded in Hawai'i 77 years ago, that serves the community by promoting mental health through advocacy, education and service. This bill supports mental health by allowing access to mental health treatment after a significant trauma.

The occurrence of trauma can have serious consequences to the mental health of survivors and untreated, can lead to social, employment, and other health problems. Research has shown that witnessing domestic violence is an Adverse Childhood Experience that also has negative health and social impacts on children. It is important that survivors of these circumstances receive mental health treatment to process the trauma and help them experience the grief and other difficult emotions necessary for them to thrive in the future. We are happy to hear that the Commission seeks this change so that they can help address trauma. For financial limitations to be the barrier to receiving treatment compounds the tragedy experienced by these survivors.

Thank you for the opportunity to testify in support of HB 437. We ask that you help pass this bill to help the Commission best serve their constituents. Please contact me at trisha.kajimura@mentalhealthhawaii.org or (808)521-1846 if you have any questions.



TO: Chair Chris Lee
Vice Chair Joy San Buenaventura
Members of the Committee

FR: Nanci Kreidman, M.A.
Chief Executive Officer

RE: HB 437 Support

Aloha. We look forward to favorable action on HB 437. The needs of children witnesses of domestic violence are many, varied, and long-lasting. It is our impression that the community's resources and leaders are necessary to better serve children exposed to family violence.

As a longtime member of the Hawaii Fatality Review Team, we are often left with the searing impression that the children are not adequately served. This would be a good place to start.

Thank you.



Hawai'i Psychological Association

For a Healthy Hawai'i

P.O. Box 833
Honolulu, HI 96808

www.hawaiiiphsychology.org

Phone: (808) 521-8995

HOUSE COMMITTEE ON JUDICIARY
Representative Chris Lee, Chair
Representative Joy A. San Buenaventura, Vice Chair

Testimony in SUPPORT of HB437

February 1, 2019, 2:00 PM, Room 325

The Hawai'i Psychological Association (HPA) supports HB437, which is intended to amend the existing statute to provide compensation funding (including for mental health services) for (1) surviving relatives of a deceased victim, and (2) child witnesses of abuse of family/household member, in cases of crimes of commission or omission, or acts of terrorism, involving injuries and/or fatalities.

We respectfully urge you to support HB437.

Respectfully submitted,

Julie Takishima-Lacasa, PhD
Chair, HPA Legislative Action Committee

HB-437

Submitted on: 1/31/2019 1:22:03 PM

Testimony for JUD on 2/1/2019 2:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Melodie Aduja	O`ahu County Committee on Legislative Priorities of the Democratic Party of Hawai`i	Support	No

Comments:

HB 437 Late

Department of the Prosecuting Attorney
City and County of Honolulu

ALII PLACE
1060 RICHARDS STREET • HONOLULU, HAWAII 96813
PHONE: (808) 768-7400 • FAX: (808) 768-7515

LATE

KEITH M. KANESHIRO
PROSECUTING ATTORNEY



DWIGHT K. NADAMOTO
ACTING FIRST DEPUTY
PROSECUTING ATTORNEY

**THE HONORABLE CHRIS LEE, CHAIR
THE HONORABLE JOY A. SAN BUENAVENTURA, VICE CHAIR
HOUSE COMMITTEE ON JUDICIARY
Thirtieth State Legislature
Regular Session of 2019
State of Hawaii**

January 31, 2019

RE: SENATE BILL H.B. 437, RELATING TO CRIME VICTIM COMPENSATION FOR MENTAL HEALTH SERVICES

HEARING: Friday, February 1, 2019, 2:00 P.M., Conference Room 325

Good afternoon Chair Lee, Vice Chair San Buenaventura and members of the House Judiciary Committee, the Department of Prosecuting Attorney provides the following testimony **in support of H.B. 437**, which proposes to amend *H.R.S. Section 351-31 (a)* to permit payment of crime victims compensation for the purpose of providing mental health services for the surviving relatives of deceased crime victims, as well as children who are direct and immediate witnesses of Abuse of a Family or Household Member under H.R.S. 709-906.

A significant gap in the current provisions of Hawaii's Crime Victims Compensation statute is the lack of coverage for the families of victims of crimes resulting in the death of the victim. Of particular concern is the inability to provide compensation to cover counseling expenses even when a relative has witnessed the events that lead to the victim's death. The psychological trauma of losing a family member due to a violent death is undeniable. All too many of our state's residents who have undergone the tragic and agonizing experience of losing a family member in this manner have either had to forego counseling services or become further impoverished by the added expense of these services (on top of catastrophic medical and funeral and burial expenses for their loved one). Although some surviving family members are fortunate enough to have insurance benefits to cover such expenses, many are among our state's ranks of the working poor and lack such coverage. Even projects such as the federally funded M.A.D.D. Victim Services Program are limited in duration and are currently only available on O'ahu. As noted earlier, the most tragic cases are those that involve a homicide or negligent homicide that is witnessed by a family member, especially a child. A case such as this occurred on the Big

Island involving the murder of John McDonald and the attempted murder of his wife in front of their grandson. In a similar incident here on O'ahu Cecelia Fiesta was brutally stabbed to death in front of her 10 year old daughter. Hawaii is fortunate to not have this type of case occur frequently, as is the case in many mainland U.S. cities, however when it does happen the effects on the family are dramatic and far reaching.

The provisions of H.B. 437 are narrowly drawn so that only the surviving relatives of victims of cases involving a death, or those who are children who witness Abuse of a Family or Household Member, would be eligible for counseling benefits. While expanding the existing coverage of H.R.S. Chapter 351, the proposed limitations of the bill are practically drawn to insure a fiscal impact that is not unreasonable.

For all of the above reasons we strongly urge your support for H.B. 437. Thank you for your time and consideration.

LATE

HB-437

Submitted on: 1/31/2019 6:12:45 PM

Testimony for JUD on 2/1/2019 2:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Joy Marshall	Individual	Support	No

Comments: